

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ZEL NORMAN,

Plaintiff,

v.

THE STATE OF NEVADA, et al.,

Defendants.

Case No. 2:15-cv-00339-JAD-PAL

**ORDER  
and  
REPORT OF FINDINGS AND  
RECOMMENDATION**

This matter is before the court on Plaintiff's failure to comply with this court's Orders (Dkt. ##6, 8) to pay an initial partial filing fee in the amount of \$30.00.

Plaintiff is a prisoner proceeding in this civil rights action *pro se* and *in forma pauperis*. This matter is referred to the undersigned pursuant to 28 U.S.C. § 636(a) and LR 1-3 and 1-9.

On July 21, 2015, this Court issued an Order (Dkt. #6) granting Plaintiff's Application to Proceed *In Forma Pauperis* (Dkt. #5). The Court ordered Plaintiff to pay an initial partial filing fee of \$30.00 toward the full filing fee and gave Plaintiff until August 17, 2015, to have the \$30.00 fee sent to the Clerk of the Court. *Id.* The Northern Nevada Correctional Center was also instructed to send the Clerk of the Court a monthly payment<sup>1</sup> from Plaintiff's inmate account, until the full \$350.00 filing fee was paid. *Id.* The order warned Plaintiff that his failure to pay the initial partial filing fee by August 17, 2015, "may result in a recommendation to the district judge for dismissal of this action."

On August 17, 2015, Plaintiff filed a Notice (Dkt. #7) stating that the accounting supervisor at the Northern Nevada Correctional Center prematurely deducted a monthly payment from his inmate account, leaving him without additional funds to pay the \$30 initial partial filing

<sup>1</sup> The amount of the monthly payment should equal "twenty percent (20%) of the preceding month's deposits to Plaintiff's account (in the months that the account exceeds \$10.00)." See Order (Dkt. #6).

1 fee. Thus, Plaintiff requested a 45-day extension to submit the fee. The Court granted his  
2 request for extension. Additionally, the Court noted that the finance division of the Clerk of the  
3 Court had not received any payment on Plaintiff's behalf, including the monthly payment  
4 Plaintiff references in his Notice. Plaintiff was advised that he was responsible for making the  
5 payment necessary arrangements and should coordinate with the correctional facilities  
6 accounting staff to correct any miscommunication.

7 On August 27, 2015, the Court again ordered (Dkt. #8) Plaintiff to pay an initial partial  
8 filing fee of \$30.00 toward the full filing fee and gave Plaintiff until October 9, 2015, to have the  
9 \$30.00 fee sent to the Clerk of the Court. *Id.* The Northern Nevada Correctional Center was  
10 also instructed to send the Clerk of the Court a monthly payment from Plaintiff's inmate account,  
11 until the full \$350.00 filing fee is paid. *Id.* The Clerk of the Court was also instructed to send a  
12 copy of the order to the Finance Division of the Clerk's Office and the Accounting Supervisor of  
13 the Northern Nevada Correctional Center, and directed the Accounting Supervisor at the  
14 Northern Nevada Correctional Center to forward a copy of the order to any new place of  
15 incarceration if Plaintiff was transferred. *Id.* The order again warned Plaintiff that failure to  
16 pay the initial partial filing fee by October 9, 2015, "may result in a recommendation to the  
17 district judge for dismissal of this action." Plaintiff has failed to file the initial partial filing fee  
18 of \$30, and has not requested an extension of time in which to do so.

19 For all of the above reasons,

20 **IT IS ORDERED** that the Clerk of the Court shall file the Plaintiff's Complaint but shall  
21 not issue summons.

22 **IT IS RECOMMENDED** that Plaintiff's Complaint be **DISMISSED without**  
23 **prejudice** to the Plaintiff's ability to commence a new action in which he pays the appropriate  
24 filing fee in full or submits a completed application to proceed in forma pauperis.

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DATED this 27th day of October, 2015.

## NOTICE

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